

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**JOEL B. ATTIA**

**PLAINTIFF**

**v.**

**CAUSE NO. 1:21CV100-LG-JCG**

**FOREST GENERAL HOSPITAL;  
MIKE DOE, Security of Hospital;  
MARSHAL DOE, Marshal's  
Office; PAUL RE'ALLY;  
MARSHALLS OFFICE; FOREST  
GENERAL SECURITY**

**DEFENDANTS**

**ORDER ADOPTING REPORT AND  
RECOMMENDATION AND DISMISSING LAWSUIT**

**BEFORE THE COURT** is the [5] Report and Recommendations entered by United States Magistrate Judge John C. Gargiulo. The plaintiff, Joel B. Attia, did not file an objection. After reviewing the Report and Recommendations, the record in this matter, and the applicable law, the Court finds that the Report and Recommendations should be adopted as the opinion of this Court and that Attia's lawsuit should be dismissed.

**DISCUSSION**

In his Amended Complaint, Attia claims that a security officer would not allow him to see personal property that had been confiscated from Attia's daughter. He claims that the officer hit him and told Attia not to visit his daughter again while she was in the intensive care unit. He states, "There was Marshalls at the Forest General Federal Courthouse because they thought that the women clerks were helping me because all the Free Mason Judges won't give me a lawyer because

I am Hebrew and it is a hate crime.” (Am. Compl., ECF No. 4) (all errors in original).

Judge Gargiulo recommends that this lawsuit should be dismissed for failure to demonstrate subject matter jurisdiction, failure to state a plausible claim for relief, and failure to provide sufficient information for service of process on Defendants Mike Doe and Marshal Doe. In the alternative, Judge Gargiulo recommends that this case should be dismissed as frivolous pursuant to 28 U.S.C. § 1915(e)(2). As noted previously, Attia did not file an objection to the Report and Recommendations within the time allowed.

Where no party has objected to the Magistrate Judge’s report and recommendations, the Court need not conduct a de novo review of it. *See* 28 U.S.C. § 636(b)(1) (“A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made.”) In such cases, the Court need only satisfy itself that there is no clear error on the face of the record. *Douglass v. United Serv. Auto Ass’n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having conducted the required review, the Court finds that Judge Gargiulo’s Report and Recommendations is neither clearly erroneous nor contrary to law.

**IT IS, THEREFORE, ORDERED AND ADJUDGED** that the [5] Report and Recommendations entered by United States Magistrate Judge John C. Gargiulo is **ADOPTED** as the opinion of the Court. This lawsuit is hereby **DISMISSED WITHOUT PREJUDICE**.

**SO ORDERED AND ADJUDGED** this the 30<sup>th</sup> day of June, 2021.

s/ *Louis Guirola, Jr.*

LOUIS GUIROLA, JR.  
UNITED STATES DISTRICT JUDGE